

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAYLEEN DENISE
RICHARDSON and MIKAYLA TEQWA
COLBERT, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 13, 2005

Petitioner-Appellee,

V

JAMES SHAW and TAELEEN RICHARDSON,

Respondents,

And

JEROME COLBERT,

Respondent-Appellant.

No. 261701
Wayne Circuit Court
Family Division
LC No. 02-414117-NA

Before: Talbot, P.J., and White and Wilder, JJ.

PER CURIAM.

Respondent-appellant Jerome Colbert appeals as of right from the trial court's order terminating his parental rights to the minor child, Mikayla Colbert, under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that his right to due process was violated because of procedural defects, thereby requiring reversal. We disagree.

The trial court's failure to hold a hearing on the supplemental permanent custody petition within the time period prescribed in MCR 3.977(G)(1)(b) does not require reversal of the order terminating respondent's parental rights, *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993), nor did the delay deny respondent due process, *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991). The delays were not what prevented respondent from seeing his child or from complying with the treatment plan. Indeed, the delays would have inured to respondent's benefit because the trial court provided that respondent would be entitled to visitation as long as

he was attempting to comply with the treatment plan. No visitation took place because respondent failed to demonstrate that he was attempting to comply with the plan. Indeed, he refused to sign the treatment plan and would not participate in the initial assessment needed to determine which services would be most helpful to him until October 2004.

Respondent next argues that his parental rights were improperly terminated on the basis of hearsay evidence. Although we agree that legally admissible evidence was required to terminate respondent's parental rights, inasmuch as termination was sought on the basis of circumstances different from the offense that led to the court's jurisdiction, MCR 3.977(F)(1)(b), respondent did not object to the evidence below on hearsay grounds and he does not identify any specific allegedly inadmissible hearsay evidence on appeal. Even if some hearsay evidence was received, "the mere existence of hearsay at the termination hearing does not warrant reversal." *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002). Because the record shows that there was ample clear and convincing legally admissible evidence to support termination of respondent's parental rights, we reject this claim of error.

We also reject respondent's claim that this case is similar to *In re JK*, 468 Mich 202, 210, 214; 661 NW2d 216 (2003), wherein our Supreme Court found that the parent "fulfilled every requirement of the parent-agency agreement," and stated that "a due-process violation occurs when a state-required breakup of a natural family is founded solely on a 'best interests' analysis that is not supported by the requisite proof of parental unfitness." In this case, respondent failed almost entirely to comply with the treatment plan here. Therefore, respondent's comparison of this case to *In re JK* is misplaced.

Nor did the trial court err by considering evidence of respondent's substantial child support arrearages for his other children. How a parent treats one child is probative of how that parent may treat other children. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995).

Respondent also argues that the trial court clearly erred in finding that statutory grounds for termination were established by clear and convincing evidence. We disagree. We review the trial court's findings of fact for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The evidence showed that when the child's teenage mother was pregnant with the child, respondent evicted her and her other two-year-old child from his home on a cold, rainy night. The evidence clearly and convincingly showed that after the child was born, respondent refused to cooperate with the agency, never established that he had an appropriate home for the child, failed to provide verification of a legal income, and refused to engage in court-ordered domestic violence and anger management counseling. He failed to establish paternity until almost nine months after the child was born. The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Affirmed.

/s/ Michael J. Talbot
/s/ Helene N. White
/s/ Kurtis T. Wilder